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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,958	04/15/2004	Tamaki Kancko	1461/72220	2278

7590 06/19/2007  
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EXAMINER
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NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/826,958

**Applicant(s)**

KANEKO, TAMAKI

**Examiner**

Leslie A. Nicholson III

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 5/29/2007 have been fully considered but they are not persuasive.

Applicant argues there is no need in Kawano to drive the second roller pair as recited in claims 3, 12, and 13. Regarding claim 4, Applicant argues, in Kawano, the open area is provided after the second conveying pair. In response, as stated in the Action filed 2/28/2007 in ¶1, the Examiner noted that these arguments regard a function within the apparatus claims (claims 3-6, 8-12) without reciting a means for performing the function. The claims were examined based upon the structural limitations. The Cook reference was used merely to teach the capability rather than any structure that was missing from Kawano regarding claims 3-6 and 8-12, as well as the method step in claim 13. Regarding the open area, the Examiner notes the recitation in lines 7-19 of claim 4 does not positively recite any structure. Applicant further argues the teaching of Cook is irrelevant to the sheet processing apparatus of Kawano. In response, the Examiner disagrees. Cook explains that feeding at high speeds tends to cause small transverse misalignments in the sheets and that it is generally difficult to steer sheets at high speed in order to avoid such misalignments without causing buckling (see C1/L5-26).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-4,6,8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawano USP 6,375,180.

Kawano discloses an image forming apparatus comprising a sheet processing apparatus comprising a first roller pair (21), a second roller pair (31), a jogging tray (33), and open area (area between D2 and D3; at least fig.4), a discharging device (38a), a bulging device (curve in the conveying path; fig.4), and a binding device (34), the second roller pair driven to rotate at a circumferential speed that is slower than that of the first roller pair (fig.24, C23/L7-12).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6,8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano USP 5,449,157 in view of Cook USP 6,491,492.

Kawano discloses an image forming apparatus (fig.1) comprising a sheet processing apparatus comprising a first roller pair (401), a second roller pair (421,422), a jogging tray (426), and open area (area between jogging tray and discharge trays), a discharging device (424), a bulging device (structural relationship that allows the sheets to bulge from the second roller pair to the jogging tray), and a binding device (ST1), but does not expressly disclose the second roller pair driven to rotate at a circumferential speed that is slower than that of the first roller pair.

Cook teaches the second roller pair (18) driven to rotate at a circumferential speed that is slower than that of the first roller pair (C2/L21-26, 35-41) for the purpose of reducing bruising and buckling of the sheets (C1/L29-35).

At the time of invention it would have been obvious to one having ordinary skill in the art to drive the second roller pair at a circumferential speed that is slower than that of the first roller pair, as taught by Cook, in the device (or method) of Kawano, for the purpose of reducing bruising and buckling of the sheets.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
6/6/2007

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER